

STAFF REPORT  
April 24, 2008

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**No. 08SV022 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to provide additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 33**

GENERAL INFORMATION:

APPLICANT	Larry P. and Terry Silver Wetch
AGENT	Ron Davis for Davis Engineering, Inc.
PROPERTY OWNER	Larry P. Wetch
REQUEST	<b>No. 08SV022 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to provide additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Tract C of C.D. Rounds Subdivision, located in the SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A and B of Tract C of C.D. Rounds Subdivision, located in the SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.0 acres
LOCATION	3401 Sturgis Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Low Density Residential District - General Commercial District
East:	General Commercial District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/28/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the access easement and to reduce the width of the access easement from 59 feet to 20 feet be approved with the following stipulation:

1. Prior to City Council approval, a note shall be placed on the plat document identifying Lot A of Tract C as a utility lot for a communication facility;

That the Variance to the Subdivision Regulations to waive the requirement to install pavement along the adjacent alleys be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,
2. Prior to City Council approval, the plat document shall be revised to show the dedication of 1.5 additional feet of right-of-way along the west lot line.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along the proposed access easement, to reduce the width of the proposed access easement from 59 feet to 20 feet and to waive the requirement to improve the adjacent alleys with a minimum 20 foot wide paved surface. In addition, the applicant has submitted a Preliminary Plat to subdivide the property into two lots.

The property was originally platted in 1993. In 2004, the City approved a SDCL 11-6-19 Review to allow the construction of a monopole communication tower on the property.

The property is located approximately 230 feet north of the intersection of W. Main Street and Sturgis Road on the west side of Sturgis Road. A monopole communication tower and equipment building is currently located on proposed Lot A of Tract C. In addition, a commercial structure is located on proposed Lot B of Tract C.

STAFF REVIEW:

Staff has reviewed the Variance to the Subdivision Regulations request and has noted the following considerations:

Access Easement: The Preliminary Plat identifies a 20 foot wide private access easement extending west from Sturgis Road to serve as access to Lot A of Tract C. The access easement is classified as a commercial street requiring that it be located within a minimum 59 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the 20 foot wide private access easement is constructed with a 20 foot wide paved surface and serves as access to the communication facility located on Lot A of Tract C. In the past, the Planning Commission and the City Council have granted similar Variance requests to improve an access easement to a utility lot when the easement does not serve as access to any other portion of the property and a minimum 20 foot wide paved surface is being provided to

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insure fire apparatus access if needed. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along the access easement and to reduce the width of the access easement from 59 feet to 20 feet be approved with the stipulation that prior to City Council approval, a note be placed on the plat document identifying Lot A of Tract C as a utility lot for a communication facility.

Alleys: An unimproved alley is located along the south lot line and the west lot line of the property. The Street Design Criteria Manual requires that an alley be located within a minimum 20 foot right-of-way and constructed with a minimum 20 foot wide paved surface. The alley located along the south lot line is located within a 20 foot wide right-of-way and the alley located along the west lot line is located within a 17 foot wide right-of-way. Requiring that the alley located along the west lot line be improved would create a discontinuous street section. In addition, paving the alley along the south lot line would create a second 20 foot wide paved surface running parallel with the existing 20 foot wide paved road within the private access easement. Staff has also noted that none of the adjacent properties currently use the two alleys as access. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install pavement along the adjacent alleys be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements and that the plat document be revised to show the dedication of 1.5 additional feet of right-of-way along the west lot line.

The applicant should be aware that any future development of the property that requires access from the alley will require that the alley be improved as a part of the associated building permit.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the April 24, 2008 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.